IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Felicia Sanders, individually and as Legal Custodian for K.M., a minor,	)	Civil Action No.: 2:16-cv-2356-RMG
Plaintiff,	)	**AMENDED COMPLAINT**
vs.	)	
The United States of America,	)	
Defendant.	)	

Felicia Sanders (hereinafter by name or "Plaintiff"), as Legal Custodian for K.M. (a minor), complaining of the Defendant alleges as follows:

1. K.M is a child and the niece of Tywanza Sanders and the great-niece of Susie Jackson. Plaintiff brings all actions for K.M. as her Legal Custodian. Both Plaintiff and K.M. were citizens and residents of Charleston, South Carolina, at the time of the events complained of herein.
2. The United States of America is the Defendant in this action.
3. Venue is proper in this Court in that all, or a substantial part, of the acts and/or omissions forming the basis of these claims occurred in the District of South Carolina, Charleston Division.
4. Jurisdiction is proper in this court pursuant to 28 U.S.C. § 1346(b)(1).
5. Plaintiff has fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act by giving formal written notice to the USA through the filing of a Form 95

with the United States Attorney General and the FBI. The Department of Justice notified Plaintiff in February 2016 that the claim was denied.

6. All actions or inactions in this case were perpetrated or promulgated by employees and/or agents of the United States of America (through one of its political subdivisions or agencies, namely, in this case, the Federal Bureau of Investigation).

7. The United States, if a private person herein, "would be liable to the claimant in accordance with the law of the place where the act or omission occurred." 28 U.S.C. § 1346(b)(1).

BACKGROUND

8. On February 28, 2015, a city of Columbia Police Department Officer arrested Dylann Roof at Columbiana Mall for possession of Suboxone, a controlled substance, without a prescription, after Roof admitted that he did not have a prescription for the controlled substance found in his pocket.

9. The City of Columbia Police Department Incident Report dated 2/28/2015 was created by the City of Columbia Police Officers, was available from the Columbia SC Police Department prior to April 11, 2015, and stated in pertinent part as follows:

> "… I located a small unlabeled white bottle containing multiple orange in color square strips located in Mr. Dylann's right jacket pocket. I then asked Mr. Dylann what the orange strips were and he stated they were Listerine strips. I again asked him what they were and he stated they were Suboxone. I then asked Mr. Dylann if he had a prescription for them and he stated that he did not. I then confirmed through Poison Control that Suboxone is a Schedule III narcotic." (Exhibit 1 attached includes full narrative).

10. Prior to April 11, 2015 an arrest warrant charging Dylann Storm Roof with the offense of possession of Schedule III Drugs/Possession of other controlled sub. Sched. I-V -First Offense based in pertinent part on the following facts:

> "… affiant received consent to search his person and located (1) white unlabeled pill bottle containing multiple orange in color strips believed to be Suboxone. Post Miranda the defendant stated he was given the substance by a friend and that he did not have a prescription. Affiant confirmed the substance as Schedule III through Poison Control." (Exhibit 2 attached includes full warrant)

was a public record on file and available at the office of the Clerk of Court for Lexington County, South Carolina.

11. Prior to April 11, 2015, the narrative of the Incident Report set forth on Exhibit 1 was available from the South Carolina Law Enforcement Division (SLED).

12. Prior to April 11, 2015, the narrative of the Incident Report set forth on Exhibit 1 was furnished by SLED to the N-DEx system, a database developed and managed by the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services (CJIS) Division.

13. Prior to April 11, 2015, the narrative of the Incident Report set forth on Exhibit 1 was available in the N-DEx system.

14. The N-DEx system is the database managed by the FBI's CJIS Division, containing information provided by Federal and state agencies about persons prohibited under Federal law from receiving or possessing a firearm.

15. On April 11, 2015, approximately six weeks after his arrest on February 28, 2015, Dylann Roof attempted to purchase a semi-automatic Glock pistol at Shooter's Choice, a federal firearms licensee (FFL), a firearm dealer located in West Columbia, South Carolina.

16. National Instant Criminal Background Check (NICS) is a subunit of the FBI's CJIS Division, which an FFL must contact for information on whether receipt of a firearm by a person would violate Federal or state law.

17. South Carolina is one of thirty-six states and territories that have opted to rely on the Defendant's NICS for all firearm sales background checks. Accordingly, firearms dealers in South Carolina are ***required*** to rely upon Defendant to actually perform the background checks through NICS to determine if receipt of a firearm by a potential purchaser would violate Federal or state law.
18. NICS Operation Center is that unit of the FBI that receives telephone or electronic inquiries from FFLs to perform background checks, research criminal history and make a determination based upon available information as to whether the receipt or transfer of a firearm would be in violation of Federal or state law.
19. The FBI NICS Operation Center, upon receiving a FFL telephone or electronic dial up request for a background check, is mandated to search relevant databases for any matching records and provide the FFL a "Denied" response when at least one matching record is found that provides information demonstrating that receipt of a firearm by a prospective transferee would violate 18 U.S.C. § 922 or state law.
20. On April 11, 2015, Shooter's Choice contacted the FBI NICS Operation Center for a background check when Roof applied to purchase a semi-automatic Glock pistol at Shooter's Choice.
21. Federal statutory law and/or Federal regulations and/or Federal policy, including Standard Operating Procedures (SOPs), specifically prescribes and mandates a course of action for defendant to follow upon receiving a request for a background check from the FFL.
22. The Brady Act, 18 U.S.C.A. § 922(d)(3), provides:

> (d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—
>
> * * *
>
> (3) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
>
> 18 U.S.C.A. § 922

23. The Brady Act, 18 U.S.C.A. § 922(g)(3), provides:

> (g) It shall be unlawful for any person—
>
> * * *
>
> (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
>
> * * *
>
> to possess…any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
>
> 18 U.S.C.A. § 922

24. Defendant received Shooter's Choice request for a background check on Roof on April 11, 2015 and noted Roof was listed as having been arrested on a felony drug charge.

25. Because potential prohibitors to the sale of a firearm to Roof existed the Legal Instrument Examiner who received the request transferred the matter to a second Legal Instrument Examiner. The second examiner received the transfer on April 13, 2015.

26. On April 13, 2015 the second examiner contacted the Lexington County Sheriff's Office to obtain the Incident Report to find out if Roof was qualified to receive a firearm.

27. According to FBI Director James Comey, on April 13, 2015, and a fax transmission from the Lexington County Sheriff's Office (Exhibit 3 attached) the Lexington County Sheriff's Department responded to the second NICS examiner telling her the case was not theirs, and that "Columbia PD will have the report."

28. The second examiner never did contact the Columbia Police Department.

29. After receiving the response set forth in paragraph 27 above, on April 13, 2015, the second examiner decided to contact the City of West Columbia Police Department to request the Incident Report to find out if Roof was qualified to receive the firearm. West Columbia Police Department responded to her that they had no record of Roof's arrest.
30. After receiving the report from the City of West Columbia Police Department the FBI NICS took no further steps to learn about Roof's reported felonious drug arrest until after the shooting hereinafter set forth, and it took no action to prevent Roof from being allowed to purchase a semi-automatic Glock pistol in April 2015. Consequently, on April 16, 2015, Roof was permitted to purchase a semi-automatic Glock pistol.
31. On June 17, 2015, Roof walked into Emanuel AME Church in Charleston, South Carolina ("Mother Emanuel") and shot and murdered nine people, including Tywanza Sanders, Plaintiff K.M.'s uncle, and Susie Jackson, Plaintiff K.M's great-aunt, while Plaintiff Felicia Sanders and Plaintiff K.M. were attending bible study at Mother Emanuel.
32. Roof used the semi-automatic Glock pistol he illegally purchased from Shooter's Choice in the massacre at Mother Emanuel.
33. After the attack the FBI NICS researched Roof's eligibility to purchase a semi-automatic Glock pistol and, on June 29, 2015, the NICS unit, based on the information contained in the Columbia Police Incident Report, did, in fact, issue a Decision to DENY the sale based on Federal Prohibitor 922(g)(3) (Exhibit 4).
34. Defendant, in a statement by FBI Director James Comey, has admitted that it initially (in April 2015) should have denied the sale of a firearm by Shooter's Choice to Roof because such sale was in violation of the Brady Act. (Exhibit 5)

35. Based upon information contained in both the available February 28, 2015 Incident Report (Exhibit 1) and available in the arrest warrant (Exhibit 2), namely that Roof was an unlawful user of or addicted to a controlled substance, Defendant was required to deny the sale of a firearm by Shooter's Choice to Roof because such sale was in violation of 18 U. S. C. § 922(d)(3), and 18 U. S. C. § 922(g)(3).

CAUSES OF ACTION

COUNT I
(NEGLIGENCE, CARELESSNESS, GROSS NEGLIGENCE AND RECKLESSNESS)

A. FAILURE TO FOLLOW FBI NICS POLICY

1. FAILURE TO CONTACT ARRESTING AGENCY – COLUMBIA POLICE DEPARTMENT TO OBTAIN INCIDENT REPORT

36. Each and every allegation set forth above is repeated and reiterated as if set forth verbatim herein.

37. Federal statutory law and/or Federal regulations and/or Federal policy, including S.O.P. 5.5.5 (Exhibit 6), mandated that the second examiner was required to contact Columbia Police Department, the arresting agency, to obtain the Incident Report and/or Arrest Warrant and/or make a determination to make a determination based upon available information as to whether the receipt or transfer of a firearm would be in violation of Federal or state law.

38. An FBI NICS South Carolina City/County List contained data available to the second examiner during the performance of the Roof background check by the FBI NICS Operation Center in April, 2015 (Exhibit 7 attached)

39. The South Carolina City/County List as of April 11, 2015, reflected that the City of Columbia was located in Richland County.

40. As of April 11, 2015, an FBI NICS contact list for Richland County was available to the second examiner showing contact information sufficient to have allowed her to contact the Columbia Police Department. (Exhibit 8 attached).

41. During the Roof Transaction the second Examiner did not search the South Carolina City/County List or the Richland County Contact List.

42. During the NICS transaction in April, 2015, referred to above, Defendant undertook the duty to perform the Roof semi-automatic Glock pistol background check but was negligent, careless, grossly negligent and reckless in failing to search the available City/County List and the available Contact List for Richland County in order to enable the second examiner to contact the Columbia Police Department to obtain the Incident Report from the Columbia Police Department (Exhibit 1), and/or in otherwise failing to conduct the background check in a reasonable manner.

43. During the NICS transaction in April, 2015, referred to above, the Incident Report from the Columbia Police Department (Exhibit 1) was available from the Columbia Police Department as of April 11, 2015.

44. If Defendant had complied with the mandatory and non- discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the second examiner to perform a proper search so as to enable the second examiner to contact the Columbia Police Department, the arresting agency, and the agency that the second examiner had been expressly told had the incident report, the FBI NICS Operation Center would have obtained the Columbia Police Department Incident Report.

45. If the NICS Operation Center had obtained the Columbia Police Department Incident Report, Roof would not have been permitted to purchase the semi-automatic Glock pistol

he purchased on April 16, 2015, used to murder nine parishioners and to attempt to murder others on the attack on Mother Emanuel AME Church in Charleston, South Carolina.

2. FAILURE TO CONTACT SLED TO OBTAIN NARRATIVE REPORT

46. Federal statutory law and/or Federal regulations and/or Federal policy, including S.O.P. 5.5.5 (Exhibit 6), mandated that the second examiner was required to contact the state POC (SLED) to obtain the Incident Report and/or Arrest Warrant and/or make a determination to make a determination based upon available information as to whether the receipt or transfer of a firearm would be in violation of Federal or state law.

47. An FBI NICS South Carolina processing page contained data available to the second examiner during the performance of the Roof background check by the FBI NICS Operation Center in April, 2015.

48. The South Carolina processing page reflected a fax and/or phone number which could be used to contact the state POC (South Carolina Law Enforcement Division) as of April 11, 2015.

49. During the NICS transaction in April, 2015, referred to above, the second examiner was negligent, careless, grossly negligent and reckless in failing to contact the POC (SLED) to obtain the narrative of the Incident Report of the Columbia Police Department (Exhibit 1), and/or to obtain clarification as to the Columbia Police Department Contact information.

50. During the NICS transaction in April, 2015, referred to above, the narrative of the Incident Report from the Columbia Police Department was available from SLED as of

April 11, 2015, and SLED was in possession of contact information as to the Columbia Police Department.

51. If Defendant had complied with the mandatory and non-discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the second examiner to contact the state POC (SLED), the FBI NICS Operations Center would have obtained the narrative of the Incident Report from SLED and/or the Columbia Police Department.

52. If the FBI NICS Operation Center had obtained the narrative of the Incident Report of the Columbia Police Department, Roof would not have been permitted to purchase the semi-automatic Glock pistol purchased on April 16, 2015, used to murder nine parishioners and to attempt to murder others in the attack on Mother Emanuel Church in Charleston, South Carolina.

3. FAILURE TO CONTACT LEXINGTON COUNTY COURT TO OBTAIN ARREST WARRANT

53. Federal statutory law and/or Federal regulations and/or Federal policy, including S.O.P. 5.5.5 (Exhibit 6), mandated that the second examiner was required to contact the Lexington County Court to obtain the Incident Report and/or Arrest Warrant to make a determination based upon available information as to whether the receipt or transfer of a firearm would be in violation of Federal or state law.

54. An FBI NICS South Carolina Contact List for Lexington County contained data available to the second examiner during the performance of the Roof background check by the FBI NICS Operation Center in April, 2015

55. The South Carolina Contact List for Lexington County reflected a fax and/or phone number which could be used to contact the Lexington County Court or Clerk of Court.

56. During the NICS transaction in April, 2015, referred to above, the second examiner was negligent, careless, grossly negligent and reckless in failing to contact the Lexington County Court or Clerk of Court to obtain the arrest warrant attached hereto as Exhibit 2.

57. During the NICS transaction in April, 2015, referred to above, the arrest warrant attached hereto as Exhibit 2 was available from the Office of the Clerk of Court for Lexington County as of April 11, 2015.

58. If the Defendant had complied with the mandatory and non-discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the second examiner contact the Lexington County Court, the FBI NICS Operation Center would have obtained the arrest warrant (Exhibit 2) for the arrest of Dylann Roof.

59. If the FBI NICS Operation Center had obtained the arrest warrant for the arrest of Dylann Roof, Roof would not have been permitted to purchase the semi-automatic Glock pistol he purchased on April 16, 2015, used to murder nine parishioners and to attempt to murder others in the attack on Mother Emanuel AME Church in Charleston, South Carolina.

60. If the FBI NICS Operation Center would have obtained the arrest warrant for the arrest of Dylann Roof, the FBI NICS Operation Center would have been made aware of contact information as to the Columbia, South Carolina Police Department, such information being sufficient for the FBI NICS Operation Center to have contacted the Columbia, South Carolina Police Department to obtain the Columbia Police Department Incident Report.

COUNT II
(NEGLIGENCE, CARELESSNESS,
GROSS NEGLIGENCE AND RECKLESSNESS)

A. FAILURE TO FOLLOW FEDERAL REGULATION MANDATING SEARCH OF NICS INDEX

61. Each and every allegation set forth above is repeated and reiterated as if set forth verbatim herein.

62. Federal statutory law and/or Federal regulations and/or Federal policy mandated the second examiner was required to search the relevant databases (i.e., NICS Index, NCIC, III) for any matching records and deny the transaction when at least one matching record is found in either the NICS Index, NCIC or III that provides information demonstrating that receipt of a firearm by the perspective transferee would violate 18 U.S.C. § 922 or state law.

63. Federal statutory law and/or Federal regulations and/or Federal policy mandated that a search was required to be performed by NICS of the database managed by the FBI, containing information provided by Federal and state agencies about persons prohibited under Federal law from receiving or possessing a firearm.

64. The database referred to in the preceding paragraph is separate and apart from the NCIC and Interstate Identification Index (III).

65. During the NICS transaction in April, 2015, referred to above, the second examiner was negligent, careless, grossly negligent and reckless in failing to search the database, managed by the FBI's CJIS Division, containing information provided by Federal and state agencies, including the narrative of the Incident Report provided by SLED referred to above, which contained information about Dylann Roof, showing Dylann Roof was prohibited under Federal law from receiving or possessing a firearm.

66. During the NICS transaction in April, 2015, referred to above, information was available in the database, managed by the FBI's CJIS Division, located in the same building as the

second examiner, which contained information provided by SLED about Dylann Roof, showing Dylann Roof was prohibited under Federal law from receiving or possessing a firearm, which information was available as of April 11, 2015.

67. If the Defendant had complied with the mandatory and non-discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the second examiner to search the database, managed by the FBI, containing information provided by Federal and state agencies about persons prohibited under Federal or state law from receiving or possessing a firearm, the FBI NICS Operation Center second examiner would have received information provided by SLED about Dylann Roof showing Dylann Roof was prohibited under Federal law from receiving or possessing a firearm.

68. If the FBI NICS Operation Center second examiner had obtained information provided by SLED about Dylann Roof showing Dylann Roof was prohibited under law from receiving or possessing a firearm, Roof would not have been permitted to purchase the semi-automatic Glock pistol he purchased on April 16, 2015 used to murder nine parishioners and to attempt to murder others in the attack on Mother Emanuel AME Church in Charleston, South Carolina.

COUNT III
(NEGLIENCE, CARELESSNESS, GROSS NEGLIGENCE AND RECKLESSNESS)

A. FAILURE TO FOLLOW FEDERAL REGULATION MANDATING MAINTAINING DATA INTEGRITY

69. Each and every allegation set forth above is repeated and reiterated as if set forth verbatim herein.

70. Federal statutory law and/or Federal regulations and/or Federal policy mandated the FBI to maintain data integrity during all NICS operations that were managed and carried out by the FBI.

71. One of the operations carried out by the FBI is the operation carried out by the NICS Operation Center that receives inquiries from FFLs and performs background checks to determine whether the receipt or transfer of a firearm would be in violation of Federal or state law.

72. The Columbia Police had arrested Dylann Roof on February 28, 2015 on the drug charge in a part of the City of Columbia that lies within Lexington County.

73. The FBI NICS South Carolina Contact List for Lexington County contained data used during the performance of the Roof background check by the FBI NICS Operation Center in April 2015.

74. In April, 2015 the South Carolina Contact List for Lexington County contained data maintained during the NICS operation referred to herein that was managed and carried out by the FBI.

75. Despite the fact that a part of the city of Columbia is and has since 1990 been located in Lexington County the FBI contact list for Lexington County did not include Columbia and/or Columbia Police Department as of April 11, 2015.

76. Defendant was negligent, careless, grossly negligent and reckless in failing to maintain its data integrity so as to include Columbia and/or Columbia Police Department in the Lexington County Contact List as of April 11, 2015.

77. If Defendant had complied with the mandatory and non-discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the FBI to maintain

data integrity during all NICS operations that were managed and carried out by the FBI, the FBI NICS Contact List for Lexington County would have included Columbia and/or Columbia Police Department as of April 11, 2015.

78. If the FBI Contact List for Lexington County had included Columbia and/or Columbia Police as of April 11, 2015 the FBI NICS Operation Center would have obtained the Columbia Police Department Incident Report.

79. If the FBI NICS Operation Center had obtained the Columbia Police Department Incident Report, Roof would not have been permitted to purchase the semi-automatic Glock pistol he purchased on April 16, 2015 used to murder nine parishioners and to attempt to murder others in the attack on Mother Emanuel AME Church in Charleston, South Carolina.

COUNT IV
(NEGLIGENCE, CARELESSNESS, GROSS NEGLIGENT AND RECKLESSNESS)

A. NEGLIGENCE INDIVIDUALLY AND IN COMBINATION RESULTING IN FAILURE TO DENY ROOF APPLICATION TO PURCHASE FIREARM

80. Each and every allegation set forth above is repeated and reiterated as if set forth verbatim herein.

81. Federal statutory law and/or Federal regulations and/or Federal policy mandated the FBI NICS Operation Center, upon receiving and FFL telephone or electronic dial up request for a background check, to research criminal history and make a determination based upon available information and to make every effort to obtain the necessary information to make a determination.

82. Federal law prohibits the sale of a firearm to a person who is an unlawful user of any controlled substance.

83. Defendant was negligent, careless, grossly negligent and reckless in the failures set forth above including but not limited to failing to properly search criminal history and make a determination based upon available information and/or failure to contact state POC (SLED), or the Columbia Police Department or the Lexington County Court or to search NICS Index to obtain available information or to research and/or review the South Carolina City/County List and/or South Carolina Contact List for Richland County, or to maintain data integrity as to Lexington County Contact List each of which negligence, carelessness, gross negligence and recklessness resulted in the failure to deny the sale of the semi-automatic Glock pistol to Roof, and creation of risk of death and injury to Plaintiff.

84. If the Defendant had complied with the mandatory and non-discretionary Federal statutory law and/or Federal regulations and/or Federal policy which mandated the FBI NICS Operation Center, upon receiving an FFL telephone or electronic dial up request for a background check, to research criminal history and make a determination based upon available information and to make every effort as set forth above to obtain the necessary information, the second examiner would have contacted the state POC (SLED), or the Columbia Police Department, which she was told had the incident report, or the Lexington County Court, or SLED or searched the NICS Index or would have searched the South Carolina City/County List to determine that the City of Columbia was located in Richland County and used the Contact List for Richland County to obtain sufficient information to contact the Columbia Police Department to obtain the Columbia Police Incident Report (Exhibit 1) and/or the Arrest Warrant (Exhibit 2).

85. If the NICS Operation Center had obtained the Columbia Police Department Incident Report Roof would not have been permitted to purchase the semi-automatic Glock pistol he purchased on April 16, 2015 used to murder nine parishioners and attempt to murder others in the attack on Mother Emanuel AME Church in Charleston, South Carolina.

86. The Defendant was negligent in failing to deny the sale of the firearm to Roof.

DAMAGES

87. As a direct, proximate, and foreseeable result of the negligent, careless, grossly negligent, and reckless acts of Defendant set out above, Tywanza Sanders and Susie Jackson are dead, and Plaintiff K.M. witnessed the shooting of Tywanza Sanders and Susie Jackson and has suffered severe and permanent injury.

88. As a result of the emotional distress caused by witnessing the murder of Tywanza Sanders and Susie Jackson, Plaintiff K.M. suffered physical symptoms capable of objective diagnosis.

89. Plaintiff K.M. has also suffered severe and permanent injury as a result of Defendant's (and/or its divisions, agents, and/or employees) negligent infliction of emotional distress for which, Plaintiff Felicia Sanders, on behalf of Plaintiff K.M., is entitled to recover an amount of actual, special, and consequential damages to be determined by the trial of this action.

90. Plaintiff K.M.'s harms and losses suffered due to the close proximity to the shooting and a fear of being injured, include but are not limited to:

    a. Personal injury;

    b. Pain and suffering;

    c. Mental anguish;

d. Loss of enjoyment of life;

e. Medical expenses;

f. Permanent impairment;

g. Lost wages; and

h. Loss of earnings capacity.

91. For which Plaintiff is entitled to recover an amount of actual, special, and consequential damages to be determined by the trial of this cause of action.

FURTHER DAMAGES

92. Plaintiff repeats and realleges each and every allegation set forth above as though set forth verbatim and would further allege:

93. As a direct and proximate result of the acts and/or omissions as herein alleged on the part of Defendant in all paragraphs above, Plaintiff K.M, a minor child, has suffered the following damages, including, but not limited to:

a. Substantial medical expenses that are reasonably certain to occur for the remainder of her life;

b. Substantial care expenses that are reasonably certain to occur for the remainder of her life;

c. Substantial loss of earnings and impairment of earning capacity that are reasonably certain to occur for the remainder of her life;

d. Disability for K.M. likely to occur for the remainder of her life, including the necessity of psychiatric care;

e. Substantial injury to her psyche and emotional state; and

f. Substantial loss of enjoyment of life.

94. As a direct and proximate result of the acts and/or omissions as herein alleged on the part of Defendant in all paragraphs above, Plaintiff Felicia Sanders suffered the following damages, including, but not limited to:

    a. Substantial medical expenses for Plaintiff K.M. that are reasonably certain to occur before the age of 18;

    b. Substantial life care expenses for Plaintiff K.M. that are reasonably certain to occur before the age of 18;

    c. Care related to the disability of Plaintiff K.M. that is likely to occur before the age of 18, including the necessity of psychiatric care;

    d. Provision of extraordinary medical care for Plaintiff K.M.;

    e. Expenditure of economic resources to provide for Plaintiff K.M. before the age of 18, including, but not limited to, special education, assistance, or appropriate therapies which may alleviate some of the minor child's suffering due to the actions and/or inactions of Defendant.

95. Plaintiff Felicia Sanders is responsible for the medical bills, medical care, and overall care for Plaintiff K.M. until the child turns eighteen (18). If Plaintiff K.M. is under a disability, Plaintiff Felicia Sanders may be required to provide this care for an undetermined length of time after Plaintiff K.M. reaches the age of eighteen (18).

96. Plaintiff Felicia Sanders will suffer economic damages, including but not limited to, the provision of medical care, life care expense, psychiatric expense, counseling services, and special programs due to the actions and/or inactions of Defendant as delineated in all paragraphs above.

97. Plaintiff Felicia Sanders should be awarded any and all damages flowing from any necessaries claim or any other damages they suffer as a consequence of the actions and/or inactions of Defendant.

WHEREFORE, Plaintiff respectfully prays for judgment against Defendant for all actual and compensatory damages for each specific occurrence of negligence pled in this Complaint to be determined by the trial of this action, the costs and disbursements of this action, and for such other and further relief as this Court deems just and proper.

By: s/Gedney M. Howe, III
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Attorneys for Plaintiff

November 25, 2019

Exhibit 1

City of Columbia Police Department — SC0400000

INCIDENT REPORT

UNFORMER ITY ONLY | CASE NUMBER 150005592 | NCIC INQ. | NCIC ENTD.

EVENT

	INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1.	44-53-230 POSSESSION OF SCHEDULE III 35A DRUG/NARCOTIC VIOLATIONS	☑ YES ☐ NO	☐ YES ☑ NO	DEPARTMENT/DISCOUNT STORE	
2.		☐ YES ☐ NO	☐ YES ☐ NO		
3.		☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ☐ Individual ☐ Business ☐ Financial Inst ☐ Govemment ☐ Relig. Orgn. ☑ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): [redacted] | ZIP CODE 29212- | WEAPON TYPE NONE

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
02/28/2015	20:42		02/28/2015	20:43	02/28/2015	20:44	20:45	22:00	501

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
[redacted]	ST			J	W	M	27 /	N	[redacted] ☐ H ☑ B	☐ H ☐ B

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
#1 JUSTICE SQ	COLUMBIA	SC	29201-	212

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
CITY OF COLUMBIA	ST			J			/		[redacted] ☐ H ☑ B	☐ H ☐ B

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
#1 JUSTICE SQ	COLUMBIA	SC	29201-	212

VISIBLE INJURY (VICT.1) ☐ YES NO ☑ EXPLAIN- | COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES NO ☑

VICTIM(NO.1) USING: ALCOHOL ☐ YES NO ☑ UNK. ☐ DRUGS: ☐ YES NO ☑ UNK. ☐ TYPE:

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ | ALONE ☐ ASSISTED ☐ | *J-This Jurisdiction. S-State. O-Out of State. U-Unknown.

SUBJECT NO. 1

☑ SUSPECT ☐ RUNAWAY ☐ WANTED ☑ WARRANT ☑ ARREST ☑ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
ROOF, DYLANN, STORM	W	M	20 /	N	04/03/1994	509	120	BRO	BRO

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	RELATED OFFENSE(S)	DAYTIME PHONE	EVENING PHONE
	35A	☐ H ☐ B	☐ H ☐ B

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
10428 GARNERS FERRY RD	EASTOVER	SC	29044-	299

SUBJECT(NO.1) USING: ALCOHOL ☐ YES NO ☐ UNK. ☑ | DRUGS: ☐ YES NO ☐ UNK. ☑ TYPE: | ARRESTED NEAR OFFENSE SCENE ☑ YES NO ☐ | TOTAL # ARRESTED 1 | DATE/TIME OF OFFENSE 02/28/2015 20:45:00 | DATE/TIME OF ARREST

DAY OF THE WEEK: S M T W T F S UNK — 1 2 3 4 5 6 7 8

HOW REPORTED: A B C D E F
A= OFFICER DISPATCHED ON CALL; B= REPORT TAKEN BY PHONE; C= COMPLAINANT WALKED IN; D= COMPLAINT WRITTEN IN; E= OFFICER INITIATED; F= OTHER

DIFF. FACTOR: N
A= RESISTANCE/HOSTILITY; B= WEAPONS; C= UNFOUNDED CALLS; D= MENTAL SUBJECT; E= COMPLAINANT FREQUENTLY INTOXICATED; F= DOMESTIC; N= NORMAL

NARRATIVE

I WAS ON DIRECT PATROL ON THE ABOVE LISTED DATE AND TIME AT THE COLUMBIANA MALL WHEN I RECEIVED A COMPLAINT FROM MALL SECURITY STATING THAT A WHITE MALE WEARING ALL BLACK WAS GOING INTO THE "SHOE DEPARTMENT" STORE AND "BATH AND BODY WORKS" AND ASKING THE EMPLOYEES OUT OF THE ORDINARY QUESTIONS. THE MALL SECURITY GUARD STATED THAT THE EMPLOYEES WERE STATING THAT THE SUBJECT WAS ASKING THEM HOW MANY ASSOCIATES WERE WORKING, WHAT TIME THEY CLOSED, AND WHAT TIME THEY LEAVE. MALL SECURITY THEN POINTED OUT THE SUBJECT AT WHICH TIME I MADE CONSENTUAL CONTACT WITH HIM. UPON MAKING CONTACT WITH THE SUBJECT I CONFIRMED THAT HIS NAME WAS DYLANN S. ROOF, DOB: [redacted] UPON TALKING WITH MR DYLANN I ASKED HIM WHY HE WAS ASKING THE EMPLOYEES OF THE BUSINESSES THOSE QUESTIONS, MR. DYLANN THEN BEGAN

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

PROPERTY EST.

							TOTAL VALUE
TYPE (GROUP)							
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☑ YES ☐ NO | SUBJECT LOCATED ☑ YES ☐ NO | S. F. CJ | ☑ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH. 2 ☐ NO PROSECUTION. 3 ☐ EXTRADITION DENIED. 4 ☐ VICTIM DECLINES COOPERATION. 5 ☐ JUVENILE-NO CUSTODY.

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
FITZGERALD BRANDON M	02/28/2015 22:34:37	22847	REASE ARTHUR E	03/01/2015 04:17:54	15311
			FOLLOW-UP INVESTIGATION ☐ YES NO ☐	OFFICER	

ADDITIONAL NARRATIVE

Agency Name:	ORI #:	Report Date/Time:	OCA #:
City of Columbia Police Department	SC0400100	02/28/2015 20:42	150005592

SPEAKING VERY NERVOUSLY AND STATED THAT HIS PARENTS WERE PRESSURING HIM TO GET A JOB. I THEN ASKED MR. DYLANN IF HE ASKED FOR AN APPLICATION FROM ANY OF THE STORES AND HE STATED THAT HE DID NOT. I AGAIN OBSERVED THAT MR DYLANN WAS BECOMING MORE NERVOUS ACTING AND TAKING MORE TIME TO THINK OF ANSWERS TO MY QUESTIONS. I THEN ASKED MR. DYLANN IF HE HAD ANYTHING ILLEGAL ON HIS PERSON THAT I NEEDED TO KNOW ABOUT AND HE STATED THAT HE DID NOT. I THEN RECEIVED CONSENT TO SEARCH HIS PERSON AT WHICH TIME I LOCATED A SMALL UNLABELED WHITE BOTTLE CONTAINING MULTIPLE ORANGE IN COLOR SQUARE STRIPS LOCATED IN MR. DYLANN'S RIGHT JACKET POCKET. I THEN ASKED MR. DYLANN WHAT THE ORANGE STRIPS WERE AND HE STATED THEY WERE LISTERINE STRIPS. I AGAIN ASKED HIM WHAT THEY WERE AND HE STATED THAT THEY WERE SUBOXONE. I THEN ASKED MR. DYLANN IF HE HAD A PRESCRIPTION FOR THEM AND HE STATED THAT HE DID NOT. I THEN CONFIRMED THROUGH POISON CONTROL THAT SUBOXONE IS A SCHEDULE III NARCOTIC. I THEN PLACED MR DYLANN UNDER ARREST FOR POSSESSION OF SCHEDULE III. POST MIRANDA MR. DYLANN STATED THAT THE STRIPS WERE SUBOXONE AND THAT HE RECEIVED THEM FROM A FRIEND. DUE TO MR. DYLANN BEING ARRESTED I HAD HIS 2000 HYUNDAI ELANTRA [redacted] TOWED BY ST ANDREWS TOWING AND I NOTIFIED THE OWNER BY MAIL. I HAD ALL EVIDENCE TAGGED INTO THE PROPERTY ROOM.

Exhibit 2

Date Filed 10/14/16 Entry Number 12-3 Page 3 of 7
2:16-cv-02356-RMG

ARREST WARRANT

2015A4021600503

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

ORIGINAL

THE STATE 1500055592

against

Dylann Storm Roof

Address: 10428 Gamers Ferry Rd

Columbia, SC -

Phone: SSN:

Sex: M Race: W Height: 5 9 Weight: 120

DL State: DL #:

DOB: 4/3/1994 Agency ORI #: SC0400100

Prosecuting Agency: Columbia Police Department

Prosecuting Officer: Brandon M Fitzgerald - 22847

Offense: Possession of Schedule III Drugs/Drugs / Possession of other controlled sub. in Sched. I to V

Offense Code: 0179

Code/Ordinance Sec.: 44-53-0370(d)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Dylann Storm Roof on 3/2/15

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

City Of Columbia Municipal Court
811 Washington Street
Columbia, SC 29201

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 510

Personally appeared before me the affiant Brandon M Fitzgerald who being duly sworn deposes and says that defendant Dylann Storm Roof did within this county and state on or about 2/28/2015 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of City of Columbia) in the following particulars:

DESCRIPTION OF OFFENSE: Possession of Schedule III Drugs/Drugs / Possession of other controlled sub. in Sched. I to V - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 02/28/2015 at approx 2045 hours while at 100 Columbiana Circle, city of Columbia, county of Lexington the affiant made consensual contact with the def after receiving a couple of store complaints on him. Upon making contact with the def affiant received consent to search his person and located (1) white unlabled pill bottle containing multiple orange in color strips believed to be suboxone. Post Miranda the def stated that he was given the substance by a friend and that he did not have a prescription. Affiant confirmed substance as a Schedule III through poison control.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

City of Columbia

Affiant's Address: Columbia Police Department
Columbia, SC 29201-

Affiant's Telephone: (803)545-3500

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 2/28/2015 defendant Dylann Storm Roof did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of City of Columbia) as set forth below:

DESCRIPTION OF OFFENSE: Possession of Schedule III Drugs/Drugs / Possession of other controlled sub. in Sched. I to V - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 3/1/2015

(L.S.)

Signature of Judge

Russell T. Spencer

Judge Code: 6674

Judge's Address: P.O. Box 644
Columbia, SC 29202

Judge's Telephone: (803)545-3128

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

A TRUE COPY
Test: C.C.P. GIS & I.C.

ORIGINAL ORIGINAL ORIGINAL

Exhibit 3

R-84 (Rev. 08-31-1999)

FINAL DISPOSITION REPORT

Leave Blank

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Criminal Justice Information Services Division without final disposition noted thereon. If no final disposition is available to arresting agency, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: FBI, CJIS Division, Clarksburg, WV 26306.

FBI No. (H)

Name on fingerprint Card Submitted to FBI
Last First Middle

ROOF, DYLANN STORM

Date of Birth **04/03/1994** Sex **M**

Henry Fingerprint Classification From FBI 1-R Response

State Bureau No. (SID) (H)

Social Security No. (SOC) (P-1)

(H) Agency (and address, together with ORI number.)

LEXINGTON SO

Final Disposition & Date
(If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)

Is this offense drug related? Yes☐ No☐

(H)

Signature Date

Title

Arrest No. (OCA)

Date Arrested or Received
03/01/2015

☐ COURT ORDERED EXPUNGEMENT:
Certified or Authenticated Copy of Court Order Attached.

Offenses Charged at Arrest
CHARGE MDP,SCH I B,C,LSD
WARR 2015A4021600503

PLEASE PROVIDE THE INCIDENT REPORT
-NEED TO KNOW IF FIELD/LAB TESTED
-NEED TO KNOW IF SUBJECT ADMITTED TO DRUGS

THANK YOU

no arrest or Reports for this date. The last arrest was on 2-28-15, Columbia PD will have the Reports

NTN **2WCV-F64** (H) (H)

9999175450

Please return this document with any additional documentation.

SUBJECT TO PROTECTIVE ORDER

Exhibit 4

<<<<<< COMMENTS >>>>>>
(CONTINUED)

06/25/2015 20:20:27 -- (H)
COMMENTS/-This ntn was
unassigned by NAU back to the delay que took ownership that was
previously be worked by a NICS examiner.

06/26/2015 01:37:16 --
FBIREQUEST
--- This NTN has expired ---

06/26/2015 22:48:01 2015 -
NICS
File [2WCV-F64_20150626224221.TIF] has been attached by the
system.

06/29/2015 08:20:07 (H)
COMMENTS/--Received faxed
incident report for DOA 3/1/2015. Report states, "... I located a
small unlabeled white bottle containing multiple orange in color
square strips located in Mr. Dylann's right jacket pocket. I then
asked Mr. Dylann what the orange strips were and he stated they were
Listerine strips. I again asked him what they were and he stated that
they were Suboxone. I then asked Mr. Dylann if he had a prescription
for them and he stated that he did not. I then confirmed through
poison control that Suboxone is a schedule III narcotic.
..."

06/29/2015 08:20:07 --
(H)
ROOF-COLUMBIAPDINCIDENTREPORT-2015.TIF attached.

06/29/2015
08:20:30 -- (H)
The record for 03/01/2015 was received
06/29/2015 from COLUMBIA PD for 2WCVF64.

06/29/2015 08:21:33 --
(H)
COMMENTS/--The ORI for Columbia PD is (H) updating
the contact list and Biscom.

06/29/2015 08:58:25 --
(H)
COMMENTS/---Decision to DENY based on Federal Prohibitor
922(g)(3).

--Requested the record, it now shows a NC state record,
SID (P-1) with the following arrest which refers to the SC
record, additional arrest for DOA 6/18/2015 also
following:

---------- Cycle 001
----
acking Number 01
rliest
Event Date 2015 06 18 Incident Date

SUBJECT TO PROTECTIVE ORDER

Exhibit 5

Statement by FBI Director James Comey Regarding Dylann Roof Gun Purchase

Washington, D.C.
July 10, 2015

FBI National Press Office
(202) 324-3691

Director James Comey provided the following statement to reporters at FBI Headquarters on July 10, 2015:

I believe the job of the FBI Director is to be as transparent as possible with the American people, because we work for them. As you know, I try hard to explain our work to them, and I am also committed to explaining to them when we make a mistake and what I intend to do about it. I'm here today to talk to you about a mistake, in a matter of heartbreaking importance to all of us. Dylann Roof, the alleged killer of so many innocent people at the Emanuel AME church, should not have been allowed to purchase the gun he allegedly used that evening. Let me tell you what happened, as I understand it today.

As you know, the FBI, through our CJIS Division in West Virginia, administers part of the National Instant Criminal Background Check System, or NICS. We perform background checks in response to requests from gun dealers in about 30 states; the remainder of the states do their own.

South Carolina is one of the states for whom our West Virginia operation does background checks. South Carolina is where Dylann Roof purchased a gun in April 2015 that was later allegedly used in the mass murder in Charleston. And that's the transaction I want to talk to you about.

As you will recall, under federal law, a Federal Firearms Licensee must submit biographical information about a potential purchaser to NICS, and NICS has three business days to perform a background check and clear or deny the purchase. If the clear or deny decision has not been given in three business days, the FFL has the discretion to proceed with the transaction. Many large retailers exercise their discretion not to proceed until given a clear "yes," but many other retailers conclude the transaction after the three business days even in the absence of a clear decision, which is what the law allows.

I want to describe the particulars of the Roof gun purchase and background check, because Roof should not have been allowed to purchase the handgun. Here is what happened, as I understand it today:

On April 11, Roof attempted to purchase a handgun from a store in West Columbia, South Carolina, a near suburb of Columbia. That day was a Saturday. On the next business day, April 13, an examiner in our West Virginia facility was assigned the case and began to process it.

Her initial check of Roof's criminal history showed that he had been arrested in South Carolina March 1 on a felony drug charge. This charge alone is not enough to deny proceeding with the transaction. As a result, this charge required further inquiry of two potential reasons to deny the transaction. First, the person could have been convicted of a felony since the arrest. Second, the underlying facts of the arrest could show the person to be an unlawful drug user or addict.

Some understanding of the geography is important to understanding what happened next. Most of the city of Columbia is in Richland County but a small piece of it crosses the line into Lexington County. The Columbia police arrested Dylann Roof on drug charges, in the small piece of the city of Columbia that lies within Lexington County. Importantly, as part of that arrest, the report by the Columbia police reflected that Roof admitted he was in possession of drugs. If a NICS examiner saw that, Roof would be denied permission to buy a gun. But the examiner never saw that. Here's what happened, as best we understand it:

The NICS examiner studied Roof's criminal history and saw that the arresting agency listed on his rap sheet was the Lexington County Sheriff's Office. There was no mention of the Columbia police on the rap sheet. It is not clear why that happened, but it made a big difference in what happened next. The examiner followed our protocols and did three things:

First, she went on the website of the Lexington County court to see if the matter had been resolved.

Her review of the court website showed that Roof was a defendant there but there was not yet a

Recent National Press Releases

09.01.15 Harold H. Shaw Named Special Agent in Charge of FBI Boston Division

09.01.15 David P. Gelios Named Special Agent in Charge of FBI Detroit Division

08.31.15 Aristedes Mahairas Named Special Agent in Charge of Special Operations/Cyber Division of the New York Field Office

08.28.15 Carlos T. Fernandez Named Special Agent in Charge of Counterterrorism Division of the New York Field Office

08.20.15 Adam S. Cohen Named Special Agent in Charge of Buffalo

08.19.15 James C. Trainor, Jr. Named Assistant Director of Cyber Division

08.03.15 William F. Sweeney, Jr. Named Special Agent in Charge of FBI Philadelphia

07.30.15 FBI Announces Executive Appointments

07.27.15 Scott L. Cruse Named Special Agent in Charge of Oklahoma City Division

07.23.15 FBI Announces Economic Espionage Awareness Campaign

More National Press Releases

disposition in the case, which meant he was not a convicted felon. She didn't stop there.

Second, she faxed a request to the Lexington County Sheriff's Office asking for more details on the case.

Third, she faxed a similar request to the Lexington County prosecutor's office.

She heard back from the sheriff's office, telling her that the case was not theirs, and that she should check with the Columbia Police Department.

Not knowing the geography, she did what she was supposed to do and followed our protocols. Examiners use contact sheets that list criminal justice organizations, organized by state and county. Because the arrest was attributed to the Lexington County sheriff, she was obviously dealing with Lexington County, so she pulled up the sheet for that county. As she examined it, she did not see a listing for a "Columbia," but she did see a listing for "West Columbia."

Informed by the fact that the gun had been bought in West Columbia and that it was the only listing on the sheet for such a name in Lexington County, she contacted the West Columbia police. They replied that they had no record of such a case.

The contact sheet for Lexington County did not list the Columbia police. Instead, Columbia PD was listed as a contact only on the sheet for Richland County. But the examiner never saw that sheet because she was focused on Lexington County.

So the court records showed no conviction yet and what she thought were the relevant agencies had no information or hadn't responded. While she processed the many, many other firearms purchases in her queue, the case remained in "delayed/pending."

By Thursday, April 16, the case was still listed as "status pending," so the gun dealer exercised its lawful discretion and transferred the gun to Dylann Roof.

After that horrific day when Roof allegedly used the gun in Charleston, the matter was obviously researched and the rap sheet confusion—listing the arresting agency as the Lexington County Sheriff—and the internal contact sheet omission were discovered. But the bottom line is clear: Dylann Roof should not have been able to legally buy that gun that day.

Those are the facts as we know them today. I have directed a full review of the matter by our Inspection Division and given them 30 days to report back to me. I will provide an update to you. I not only want to understand all the facts, but I want to know if there are ways to improve our process, our procedures, and our training. We are all sick that this has happened. We wish we could turn back time, because from this vantage point everything seems obvious, but we can't.

What we can do is make sure that we learn from it, get better, and work to ensure that we catch everything.

I want you to know that our folks in Charleston are meeting now to tell the families what we know and what we are going to do. All of us in the FBI, and across the entire nation, grieve for their unspeakable loss and want to do everything we can to help them find peace, strength, and healing.

Accessibility | eRulemaking | Freedom of Information Act | Legal Notices | Legal Policies and Disclaimers | Links | Privacy Policy | USA.gov | White House
FBI.gov is an official site of the U.S. government, U.S. Department of Justice

Close

Exhibit 6

Outgoing Faxes and Mail
Payment of Court Transcript Fees
Mass Contacts
Waiting for Disposition Information
Entering Information Requests into WFD
Multiple Related Federal DOAs with Missing Disposition
Entering Information Received
Research Comments
Process 2nd Request

All internal research must be conducted and documented **before** making any external contacts.

State/Federal/International Processing Pages/Contact Lists

The Examiner will contact the state POC, the courts, district attorneys, probation offices, arresting agencies, etc. for disposition, level of offense, incident report, etc. via fax, phone, mail, email, and/or Nlets in accordance with the preference indicated on the State Processing Page and Contact List. If the preference indicates that other agencies can only be contacted if no response is received, or as a last resort, other agencies must be contacted, as soon as possible after the 10th calendar day. This will ensure that all resources, in keeping with the NICS Standard Operating Procedures and established state contact procedures, are being exhausted. Every effort must be made to obtain the necessary information, in order to reach a final decision on a NICS transaction during the research phase.

The NICS Section maintains an accurate listing of the agencies that request a fee from NICS or will not assist the NICS. The State Contact Lists are updated to reflect these agencies. The NICS has an obligation to make every reasonable effort to obtain information; however, Examiners **must not** contact an agency if: a) its listing states it charges a fee, since the NICS has no funding for this purpose; or b) its listing states **DO NOT CONTACT**.

For international arrests (Canada or Interpol) please refer to the **International Folder** (located on Share Point). For federal arrests, refer to the **Federal Folder** located on SharePoint. **DO NOT** contact a local or state law enforcement agency for a federal or international disposition.

When researching a possible prohibitor with an ORI similar to the following: "FBI/DATA INTEGRITY CLARKSBURG (H))" this is not a federal arrest. The US District Courts must not be contacted. This is a state arrest and must be researched accordingly. The first two letters in the ORI refer to the state of the

Exhibit 7

South Carolina City/County List

Updated: 5/15/2013 dir

To print: Highlight information to be printed. Click on: File / Print / Selection button / Ok.

City	County
Cleveland	Greenville
Clifton	Spartanburg
Clinton	Laurens
Clio	Marlboro
Clover	York
Clyde	Chesterfield
Cochrantown	Horry
Coiubia	Richland
Cola	Richland
College Park	Berkeley
Colliers	McCormick
Columbia	Richland
Conestee	Greenville
Congaree	Richland
Converse	Spartanburg
Conway	Horry
Coosaw	Beaufort
Cope	Orangeburg
Cordesville	Berkeley
Cordova	Chester
Cornwell	Orangeburg
Cottageville	Colleton
Coward	Florence
Cowpens	Spartanburg
Crafts Farrow	Richland
Crane Forest	Richland
Crescent Beach	Horry
Creston	Calhoun
Crocketville	Hampton
Cross	Berkeley
Cross Anchor	Spartanburg
Cross Hill	Laurens
Cypress Crossroads	Darlington
Dale	Beaufort
Dalzell	Sumter
Darlington	Darlington
Daufuskie Island	Beaufort

SUBJECT TO PROTECTIVE ORDER

Exhibit 8

ORI	AGENCY	WEBSITES E-MAIL	WEBSITE RETENTION	PHONE Bold Denotes Preference	FAX Bold Denotes Preference	RECORD RETENTION	NOTES
				(H), (M)			
RICHLAND COUNTY							
(H)	Sheriff			803-691-9000	803-576-3192	Reports to '95.	Do not have many dispos. If you have a warrant#, they can advise you of which Magistrate to contact. Will respond by email
	Columbia PD				803-733-8370	Records (incident reports) back 10 years	Attn (H) Contact the courts for disposition. Can also send NLETS to (H)
	SC DHEC Bureau of Drug Control			803-896-0636	803-896-0625		Attn: Wilbur Harling, Bureau Director Could also be from other counties. Can supply warrant, county of arrest, and incident report
	Forest Acres PD				803-787-8833	Records to 1991.	
	Eastover PD	Retired					no contact for this agency's records
	Dept of Natural Resources			803-955-4000	803-955-3010		
	University of SC PD			803-777-4215	803-777-9174		
	Richland Co Detention Center			803-576-3200	803-576-3299	Records held for 10 years then destroyed.	
	General Sessions Court			803-576-1939	803-576-1925		Attn: Records
	Magistrate Court: Judge Barber (1)			803-576-2510	803-576-2519	Columbia Records to 1989	
	Magistrate Court: Judge Cuff (2)			803-576-2550	803-576-2555	Columbia Records to 1989	
	Magistrate Court: Judge Davis (3)			803-576-2500	803-576-2504	Columbia Records to 1989	
	Magistrate Court: Judge Byrd (4)			803-576-2330	803-748-4614	Columbia Records to 1989	
	Magistrate Court: Judge Maurer (5)			803-576-2540	803-576-2545	Dutch Fork Records to 1989	
	Magistrate Court: Judge Metts (6)			803-576-3284	803-576-3303		Bond court-no case files-No dispositions
	Magistrate Court: Judge Newsom (7)			803-576-2560	803-576-2569	Dentsville Records to 1989	
	Magistrate Court: Judge Edmond (8)			803-576-2570	803-576-2579	Columbia Records to 1989	

SUBJECT TO PROTECTIVE ORDER